2; Skrefsrud M-5 (1870-1871) 1942 AW42 Santal AW42

appeal either. Also a quarrel between husband and wife these wretched fools at once bring in before the European magistrates, a crying shame; the deceitful Indian pleaders cheat them of their money a good deal; they get one another into prison; their mutual hatred remains with them smouldering like hot-pan fire; this is what they have gained by transgressing the customary judgements of the ancestors. Let them take the great crimes to the courts; but what we have from olden times disposed of ourselves, why do they take heaps of such matter to the courts? 177 178 691

b. Concerning witnesses.

From ancient times up to near the present day we Santals did not know false statements; we were stating what we had seen with our eyes, both about enemies and about our brothers and sisters. After the Europeans have come, a few Santals have been judged to be hanged, because they have spoken the truth. There were no witnesses of their crime; if they had lied and denied it, they would have been set free. In our councils we did not bring the witnesses in one by one; we put all the witnesses forward at once; still they did not tell falsehoods. Nowadays they have learnt deceit from the Dekos, and like them they sell their soul and honour for one bram-cup of beer; and as the magistrates do not know our language, they cannot distinguish falsehood from truth; they are only led astray by the words of the deceitful Indians; therefore we do not get just judgements. We would have any fear of the light swearing in the courts? Let them make them swear like the oaths of our ancestors, then they would tremble, fearing for their life, and they would surely not speak falsely. A few magistrates have let a very short oath in our language be made up by some Dekos; but we only laugh at this oath, because what is said aims at the one who administers the oath. They make them swear like this: "Speak the truth; if I speak what is false a tiger spirit will eat thee". The witness repeats this, following him: "Speak the truth; if I speak what is false, a tiger-spirit will eat thee". Why should witnesses have any fear from this? 177 178 695

c. The different kinds of crime.

Among the great crimes are the following: To kidnap children, to sacrifice them, to kill a person by carelessness, to rob one of his wife, to rape a woman, forcibly to apply sindur to a woman. Our punishment for this was death. The kidnappers steal children, or catch a person on the road, and sacrifice them. If they were caught at the moment, they killed them without any judging, and there was no appeal in this case. When some one inadvertently shot and killed somebody during the hunt, the people passed judgement and let the person be killed in return. At such a time they let the man who shot and killed the other, stand where the man was who was shot and killed, and where the man who shot and killed was, there they let a relative of the shot and killed man stand. If he shoots 682 684 682

[1] Cole Ho. Hon. – Bodding.

2: Skrefsrud M-5 (1870-1871) 1942 AW42 Santal AW42

682 and kills the man who shot and killed from there with one arrow, well and good; otherwise he is set free. And if a man is killed by an arrow passing through an animal, then, in the same way, they let some animal stand, and let the man who shot and killed stand behind the animal, so far away from the animal as the killed one was. If shooting through the animal placed there he kills him, well and good; otherwise he is free.

178 684 A man who has been robbed of his wife may, without any judgement, kill both on the spot, anywhere he may track and find the two, like a deer in the forest. His relatives will help him tracking them, but he himself will do the killing. Nowadays they do not kill them; but the seducer will have to pay five rupees to save his head.

Those who raped women they also treated in the same way. Also these have nowadays to pay five rupees to save their head, and besides this they fine them as heavily as they can. Mostly they make them pay a score of rupees. They cut off the right hand of a man who forcibly had applied sindur to a woman, and with a spindle they poked out one of his eyes. And there was a separate fine. Nowadays these also have to pay five rupees to save hand and eye; they get a beating and also have to pay a fine. We had no murder without a cause.

178 683 As to witches, formerly we drove them away after having treated them disgracefully; only now and then have we killed them. Also nowadays they drive them away, and sometimes they also kill them.

But this is not right, because the ancestors of old did not act in this way. If they were accidentally killed when they were beating them in anger, the ancestors of old did not call this murder; therefore they did not punish those who beat them to death.

178 684 Our punishment for illicit intercourse between relatives and with a person of another race was outcasting, and so it is now also. Nowadays this is also slackening off with us; some persons quite confidently act in this way; the people do not do them anything.

177 178 685 Formerly the Santals did not steal; but nowadays they have learnt this also from the Dekos. From former times only one kind of theft is remembered, viz., to steal and eat sheep or goats. When such animals had gone astray anywhere, then the whole village population would kill and eat them when they found them, and the village headman they would give a double share. If this was proved, they would then restore the head (give a fresh animal instead), and would fine them five four-anna bits each. Nowadays they take all to the smooth verandah (i. e., the courts).

178 682 Abortus provocatus we have had from old times. They were doing this when birth would be improper (on social indications). If it is proved, we fine both the medicine giver and the treated one ten rupees each. Nowadays we take such crimes to the courts. If they defame anybody without cause, they will have to pay five rupees to wipe off the defamation and five four-anna bits to the village council. The crime of sodomy is the act of drunk men only. Formerly we gave such men an awful thrashing and fined them ten

178 684